

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES FRANKLIN RODGERS,)	
)	
Petitioner)	
)	
vs.)	
)	Civil Action No. 06-46J
GERALD ROZUM, and THE DISTRICT)	
ATTORNEY OF BLAIR COUNTY and THE)	Judge Kim R. Gibson/
ATTORNEY GENERAL OF THE STATE OF)	Magistrate Judge Lisa
PENNSYLVANIA,)	Pupo Lenihan
)	
Respondents)	

MEMORANDUM ORDER

Petitioner filed the instant habeas petition on February 28, 2006. The Court directed service on March 8, 2006. Doc. 2. The District Attorney of Blair County was served on March 16, 2006, Doc. 4, and in the order directing service, the Court also directed the District Attorney to file an answer within 20 days after service. On May 18, 2006, the District Attorney of Blair County filed an non-answer in which he represented that the habeas corpus petition was "indecipherable as to the allegations of the particular Federal Constitutional Rights the Petitioner complains were violated. Consequently, the Commonwealth/ Respondent is unable to respond in any meaningful or logical manner." Doc. 8 at ¶ 9. The court, who has had extensive experience with pro se filings, finds that Petitioner, who is proceeding pro se, has set forth fairly clear claims of ineffective assistance of counsel as well as prosecutorial misconduct claims in addition to a few other claims. Moreover,

after the District Attorney filed his non-answer, the Petitioner filed a brief in support of his habeas petition that further explained his claims. This court finds that these filings by Petitioner are clear enough for the District Attorney to file an Answer that addresses Petitioner's claims. Accordingly, the following order is entered.

AND NOW, this 6th day of November 2006, Respondent, District Attorney of Blair County is hereby **ORDERED by November 30, 2006**, to file an answer to the habeas petition that addresses the Petitioner's claims. The answer is expected to be comprehensive, responding to each of Petitioner's claims.

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have seven (7) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.



Lisa Pupo Lenihan
U.S. Magistrate Judge

Dated: November 6, 2006

cc:

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